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Attorneys for Plaintiff
 Hawaii Children's Blood And Cancer Group

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

Hawaii Children's Blood and
 Cancer Group,

Plaintiff,

vs.

Hawai'i Pacific Health; Kapi'olani
 Medical Specialists; Kapi'olani
 Medical Center for Women and
 Children,

Defendants.

) Civil No. CV 03-00708 SOM/LEK
) PLAINTIFF'S MOTION TO STRIKE
) OR DISMISS DEFENDANTS'
) RENEWED MOTION TO DISMISS, OR
) IN THE ALTERNATIVE, TO STAY
) PROCEEDINGS PENDING RESOLU-
) TION OF THE CONCURRENT STATE
) OF HAWAII CIRCUIT COURT CASE,
) OR TO CONTINUE TRIAL, FILED
) JANUARY 11, 2006 WITHOUT LEAVE
) TO FILE AFTER THE DECEMBER 21,
) 2005 DISPOSITIVE MOTIONS
) DEADLINE
)
) HEARING:
) Date: _____
) Time: _____
) Judge: ~~Magistrate Kobayashi~~
)
) JUDGE: ~~Hon. Leslie E. Kobayashi~~
) ~~U.S. Magistrate Judge~~
)
) TRIAL: MAY 23, 2006
) 9:00 a.m.

PLAINTIFF'S MOTION TO STRIKE OR DISMISS

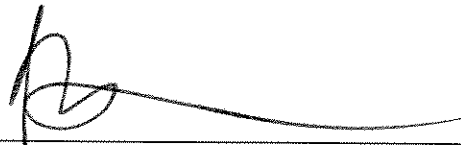
DEFENDANTS' RENEWED MOTION TO DISMISS, OR IN THE
ALTERNATIVE, TO STAY PROCEEDINGS PENDING RESOLUTION OF
THE CONCURRENT STATE OF HAWAII CIRCUIT COURT CASE, OR TO
CONTINUE TRIAL, FILED JANUARY 11, 2006 WITHOUT LEAVE TO FILE
AFTER THE DECEMBER 21, 2005 DISPOSITIVE MOTIONS DEADLINE

Plaintiff Hawaii Children's Blood and Cancer Group, by and through its undersigned counsel, hereby moves this honorable Court for an order striking or dismissing Defendants Hawai'i Pacific Health, Kapi'olani Medical Specialists, and Kapi'olani Medical Center for Women and Children's Renewed Motion To Dismiss, Or In The Alternative, To Stay Proceedings Pending Resolution Of The Concurrent State Of Hawaii Circuit Court Case, Or To Continue Trial, filed January 11, 2006 (hereinafter, the "Renewed Motion"), because Defendants filed their Renewed Motion three weeks beyond the December 21, 2005 dispositive motions deadline the Court ordered in its Amended Rule 16 Rule 16 Scheduling Order dated July 19, 2005, without seeking an order amending the schedule based on the required showing of good cause or otherwise seeking leave to file an untimely motion to dismiss. Defendants will not be able to show that they could not meet the deadline despite their reasonable diligence, and thus they cannot meet the exacting standard for an order modifying the schedule.

Plaintiff submits this Motion pursuant to Rules 7 and 16 of the Federal Rules of Civil Procedure, and Local Rules 7.2, 16.1, and 16.3. It is based upon the Notice of Non-Hearing Motion, the Memorandum of Points and Authorities filed

herewith, the Declaration of Rafael G. del Castillo and Exhibit 1 (the Court's Amended Rule 16 Scheduling Order), and the records and files herein.

Dated: Honolulu, Hawai'i, January 16, 2006

A handwritten signature in black ink, appearing to read 'ARLEEN D. JOUXSON', written over a horizontal line.

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